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REMARKS

Claims 1-20 remain pending in the application including independent claims 1, 6, and 17. New dependent claims 21-23 have been added. Claims 7 and 19 have been amended to overcome the examiner's objections. The examiner has issued new rejections for claims 6, 13, 14, and 17-20, which were previously indicated as allowable.

Claims 1, 2, 4, 7-12, 15-17, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bartoli (FR 2729621). Please note below that applicant refers to translated portions of the Bartoli reference to distinguish Bartoli from the subject invention. Applicant does not have a complete or certified translation, however, applicant's German patent counsel who is fluent in French translated the referenced portions of Bartoli. Applicant's German patent counsel is not a professional translator, however, the translated portions do accurately describe the teachings of Bartoli.

Claim 1 recites a deformation element that includes a first base part having at least one tapered protrusion, and a second base part comprised of a foamed plastics material and having at least one recess corresponding with said at least one tapered protrusion wherein the tapered protrusion penetrates into the recess against an increasing deformation force to deform the tapered protrusion. Bartoli does not disclose this combination of features.

The examiner presents the new argument that Bartoli discloses a deformation element including a first base part 5 and a second base part comprising foam that surrounds the plate 4. While it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the

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art. In re Bond, 15 USPO2d 1566, 1567 (Fed. Cir. 1990). Applicant respectfully asserts that the examiner's interpretation of Bartoli is not a reasonable interpretation of the reference.

Bartoli clearly discloses that the deformation elements are comprised of elements 4 and 5 (see English Abstract). Also, Bartoli recites that "[i]n front of the support structure 1 and in this example in a certain distance from the latter, are installed two energy absorbing members 4 and 5." Page 3, lines 28-29. Further, Bartoli describes the foam as an element that forms the shape of the headrest. "The assembly which was described above is embedded in a foam 10 which is provided for giving the headrest its shape, and is possibly covered by an envelope 11, for example from a textile material. The distribution and the hardness of the foam are chosen such that there is no disturbance of the function of the absorbing members 4 and 5, which will now be described." Page 4, lines 18-23. Thus, the foam that surrounds element 4 is not a deformation member, and one of ordinary skill in the art would not consider this foam to be a deformation member, especially when Bartoli clearly identifies elements 4 and 5 as the deformation members.

Bartoli also does not disclose, suggest, or teach any type of deformable interaction between element 5 and the foam that surrounds element 4. Thus, applicant respectfully asserts that Bartoli does not anticipate claim 1. For similar reasons Bartoli does not anticipate claims 2, 4, 7-12, 15-17, and 20.

Additionally, please note that claim 12 recites that the first and second base parts are each configured like a plate. The foam 10 that surrounds plate element 4 is clearly not a plate. The examiner argues that this foam is "configured like a plate with a plurality of recesses," however,

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this is clearly not a reasonable interpretation of Bartoli. It is clear from Figure 1 of Bartoli that the foam 10 is not a plate.

Claim 15 recites that one of the first and second base parts is adapted to be attached to a car body outer part. The examiner argues that one of the elements 5 and foam 10 are capable of being attached to a car outer body part. There is nothing in Bartoli that supports the examiner's assertion. Both element 5 and foam 10 are mounted within a vehicle headrest, which is clearly not a car outer body part. Thus, Bartoli clearly does not anticipate claim 15.

Claim 16 recites that one of the first and second base parts is adapted to be attached to a lining piece for a vehicle interior space. Again, the examiner argues that one of the elements 5 and foam 10 are capable of being attached to a lining piece of a vehicle interior. There is nothing in Bartoli that supports the examiner's assertion. Both element 5 and foam 10 are mounted within a vehicle headrest, which is clearly not a lining piece of a vehicle interior. Thus, Bartoli clearly does not anticipate claim 16.

Claim 17 recites a first base part having a plurality of tapered protrusions and being formed from a first material, and a second base part having a plurality of tapered recesses and being formed from a second material that is softer than said first material. The examiner has argued that Bartoli discloses a "first base part (5) [that] is made of polypropylene and is softer than the foam used to form the second base part." Page 2, lines 21-22 of the Office Action dated August 24, 2005. This is directly opposite of what claim 17 recites. Thus, based on the examiner's own interpretation, Bartoli does not anticipate claim 17.

Claim 17 also recites that each one of said first and second base parts moves toward the other of the first and second base parts such that the plurality of tapered protrusions penetrates

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into the plurality of tapered recesses to control energy conversion by deforming the plurality of tapered protrusions within the plurality of tapered recesses. The examiner has not provided any arguments indicating where this feature is disclosed in Bartoli. Applicant respectfully asserts that Bartoli does not disclose, suggest, or teach this feature as defined in claim 17.

Claim 20 recites that the second base part comprises a solid plate body with the plurality of tapered recesses extending into the solid plate body. Again, for the reasons set forth above, the examiner's second base part, i.e. foam 10, is clearly not a plate structure. Figure 1 indicates that foam 10 is not a plate.

Thus, for the many reasons set forth above, applicant asserts that the rejection of claims 1, 2, 4, 7-12, 15-17, and 20 under 35 U.S.C. 102(b) as being anticipated by Bartoli is improper and must be withdrawn.

Claim 6 stands rejected under 35 U.S.C. 102(b) as being anticipated by Salloum et al. (US 3933387). Claim 6 recites a deformation element having a first base part with a tapered protrusion, and a second base part having at least one recess corresponding with the at least one tapered protrusion, wherein the tapered protrusion penetrates into the recess against an increasing deformation force.

The examiner argues that Salloum discloses a first base part 40 with tapered protrusions and a second base part 40 with corresponding recesses. Applicant disagrees. Salloum discloses sheets 38 and 40 that both have a plurality of projections 44. See col. 3, lines 14-20. These projections 44 are interlocked with each other when the sheets 38, 40 are assembled. Thus, Salloum does not disclose a first base part having a protrusion and a second base part having recess as defined in claim 6 (see Figure 5).

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Further, claim 6 recites that an angle between a side surface of the tapered protrusion and a middle axis of the tapered protrusion is substantially the same as an angle between a side surface of the recess and a middle axis of the recess. As Salloum does not disclose a recess that corresponds to the tapered protrusion as defined in claim 6, Salloum does not disclose the angular relationships as defined in claim 6.

Claims 3 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bartoli in view of Salloum. For the reasons set forth above, Bartoli does not disclose, suggest, or teach the claimed invention. Salloum does not make up for the deficiencies of Bartoli.

Claims 14, 18, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bartoli in view of Redmond. For the reasons set forth above, Bartoli does not disclose, suggest, or teach the claimed invention. Redmond does not make up for the deficiencies of Bartoli.

Further, the examiner relies on Redmond to teach the use of a foamed HIPS plastic in place of polypropylene. First, Redmond is non-analogous art. Second, there is no motivation or suggestion to modify Bartoli with the teachings of Redmond. Each of these issues will be discussed in detail below.

The test for analogous art is first whether the art is within the field of the inventor's endeavor and, if not, whether it is reasonably pertinent to the problem with which the inventor was involved. See In re Wood, 599 F.2d 1032, 1036; 202 USPO 171, 174 (CCPA 1979). A reference is reasonably pertinent if it logically would have commended itself to an inventor's attention in considering his problem because of the matter with which it deals. See In re Clay 966 F.2d 656; 23 USPO2d 1058, 1061 (Fed. Cir. 1992). Redmond is clearly not within the field

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of the applicant's endeavor, and is not reasonably pertinent to the problem that applicant was seeking to solve.

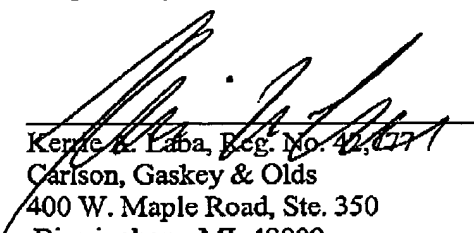
Applicant's field of endeavor is vehicle interior linings. Redmond's field of endeavor is containers that are used to dispense fluids, pastes, or lotions. Further, the problem that Redmond was seeking to solve involved providing a better fluid dispenser, and a cap and aperture combination that allowed for easier opening of the container. This has nothing to do with applicant's problem. Applicant was seeking to provide an improved deformation element for a vehicle body part to effectively absorb energy during a collision. It is clear that Redmond cannot be considered analogous art.

Even if Redmond could be considered analogous, there is no motivation or suggestion to modify Bartoli with the teachings of Redmond. The examiner argues that it would have been obvious to make the first base plate of Bartoli with the foamed HIPS in place of polypropylene as taught by Redmond "to tune the absorption characteristics of the energy absorber." There is absolutely no support for the examiner's assertion. There is no teaching in Redmond that the foamed HIPS is an appropriate material for a deformation element in a vehicle interior lining. The examiner is clearly engaging in a hindsight reconstruction of the claimed invention, using applicant's structure as a template and selecting elements from the references to fill the gaps. This is not the proper basis for sustaining a rejection under 35 U.S.C. 103(a), and applicant respectfully requests that the rejection be withdrawn.

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Applicant respectfully submits that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. A check is enclosed to cover the cost of three (3) additional dependent claims. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

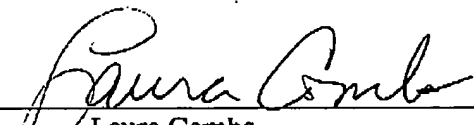
Respectfully submitted,


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Dated: November 8, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on November 8, 2005.


Laura Combs